

Jones

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHIQUITA FRESH NORTH AMERICA LLC

and

WILLIAM MANIS COMPANY

Plaintiffs

v.

JUNIPER TREE, INC., a/t/a BEST PRODUCE

and

YOUNG J. SUH

Defendants

JONES

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>3/12/08</u>

Civil No. _____

**ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE AND TEMPORARY
RESTRANDING ORDER
WITHOUT NOTICE**

Upon the affidavit of the respective representatives of plaintiffs, and the Attorney Certification Why Notice Should Not Be Required Pursuant To Rule 65(b), and upon the copy of the complaint hereto and pleadings in support, annexed, it is

ORDERED, that the above-named defendants show cause before a motion term

✓ of this Court, at Room 18C, United States District Court for the Southern District of

New York, 120 Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street,

✓ New York, NY 10007-1312, on March 19, 2008, 2008 at 10 o'clock

✓ A.m., as soon thereafter as counsel may be heard, why an order should not be issued

pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendants, their customers, agents, officers, subsidiaries, assigns, and banking institutions, during the pendency of this action from alienating, dissipating, paying over or assigning any assets of Juniper Tree, Inc., a/t/a Best Produce or its subsidiaries or related companies

except for payment to plaintiffs until further order of this Court or until defendants pay plaintiffs the sum of \$75,967.97 by cashiers check or certified check, at which time this Order is dissolved; and it is further

ORDERED, that, sufficient reason having been shown therefore, pending the hearing of plaintiffs' application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendants, their customers, agents, officers, subsidiaries, assigns, and banking institutions are temporarily restrained and enjoined from alienating, dissipating, paying over or assigning any assets of Juniper Tree, Inc., a/t/a best Produce, or its subsidiaries or related companies except for payment to plaintiff until further order of this Court or until defendants pay plaintiffs the sum of \$75,967.97 by cashiers check or certified check, at which time this Order is dissolved; and it is further

ORDERED that bond shall be waived in view of the fact that defendants now hold \$75,967.97 worth of plaintiffs' assets and is further

ORDERED that service of a copy of this order and annexed affidavit by overnight mail upon the defendants or its counsel on or before March 10, 2008 at Nine o'clock A.M., shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED: March 10, 2008 at 10:40 A.M.

5/

MIRIAM GOLDMAN CEDARBAUM
United States District Judge

Part I
